

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ROSE BACA,

Plaintiff,

vs.

No.Civ. 97-1270 LH/WWD

WAL-MART STORES, INC.

Defendant.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER comes before the Court upon Plaintiff's Second Motion for Sanctions and to Compel [Docket #23] filed July 21, 1998. This is a slip-and-fall lawsuit. The incident occurred at a Wal-Mart store which was, according to the Defendant, leased several years ago and is no longer in operation. Plaintiff contends that Wal-Mart has failed and refused to answer certain questions and to produce certain documents which would allow Plaintiff to make inquiry about the money taken in by that snack bar and to go into the safety practices of the Defendant in connection with the operation of the snack bar in Defendant's store. I find that the motion is well taken in that Defendant has not given clear responses to certain interrogatories and requests for production. Since this matter is set for trial in the near future, it is necessary to use some expedited and extraordinary procedures to correct the situation in timely fashion. I find that reasonable attorney fees for Plaintiff's presenting and arguing this motion would be \$500.00.

**WHEREFORE,**

**IT IS ORDERED** that Plaintiff's Second Motion for Sanctions and to Compel [Docket #23] is **GRANTED**.

**IT IS FURTHER ORDERED** that on or before August 19, 1998, Defendant shall

coordinate with Plaintiff in arranging for the taking of the deposition or depositions of one or more of the representatives of Defendant who is knowledgeable and can speak with authority for Defendant concerning the safety practices and accident records of the Defendant in connection with the operation of the snack bar in Defendant's store, and the money taken in by that snack bar subject to the time limits heretofore imposed in previous Orders.

**IT IS FURTHER ORDERED** that on or before August 17, 1998, Defendant shall pay to Plaintiff as reimbursement for reasonable attorney fees and costs in connection with the instant motion the sum of \$500.00.

**FINALLY, IT IS ORDERED** that if the parties are unable to set a mutually agreeable time and date for the taking of the aforementioned depositions, they shall promptly contact the undersigned by conference telephone call.

A handwritten signature in black ink, appearing to read "William B. Deaton", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE